

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

|                               |   |                          |
|-------------------------------|---|--------------------------|
| ANTONIO ABNER,                | ) |                          |
|                               | ) |                          |
| Plaintiff,                    | ) |                          |
|                               | ) |                          |
| v.                            | ) | CASE NO. 3:22-cv-111-JTA |
|                               | ) | (WO)                     |
| KILOLO KIJAKAZI,              | ) |                          |
| Acting Commissioner of Social | ) |                          |
| Security,                     | ) |                          |
|                               | ) |                          |
| Defendant.                    | ) |                          |

**MEMORANDUM OPINION AND ORDER**

Before the Court is Defendant's Unopposed Motion to Remand for Further Administrative Proceedings Pursuant to Sentence Four of 42 U.S.C. § 405(g) filed by the Acting Commissioner of Social Security ("Commissioner") on August 24, 2022. (Doc. No. 16.) In her motion, the Commissioner states that remand is appropriate so the agency can conduct additional administrative proceedings. (Doc. No. 16 at 2.)

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to "enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds "either . . . the decision is not supported by substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim." *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).


Here, the Court finds remand necessary as the Commissioner concedes that further evaluation of the administrative record is in order. Moreover, Plaintiff does not oppose the motion. (Doc. No. 16.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 11, 12.)

Accordingly, it is hereby ORDERED as follows:

1. The Commissioner's unopposed motion (Doc. No. 16) is GRANTED.
2. The decision of the Commissioner is hereby REVERSED.
3. This matter is hereby REMANDED to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate judgment will issue.

DONE this 24th day of August, 2022.

  
JERUSHA T. ADAMS  
UNITED STATES MAGISTRATE JUDGE